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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,864	10/27/2003	Daniel Edler	024445-425	9189
21839	7590	01/26/2005		
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER ADDISU, SARA	
			ART UNIT 3722	PAPER NUMBER
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,864	Applicant(s) EDLER, DANIEL	
	Examiner Sara Addisu	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 2, recites the limitation "the inserts consist of three inserts". The statement is unclear as written because there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, Examiner is interpreting the sentence to mean "the tool consists of three inserts"

Claim Rejections - 35 USC § 102

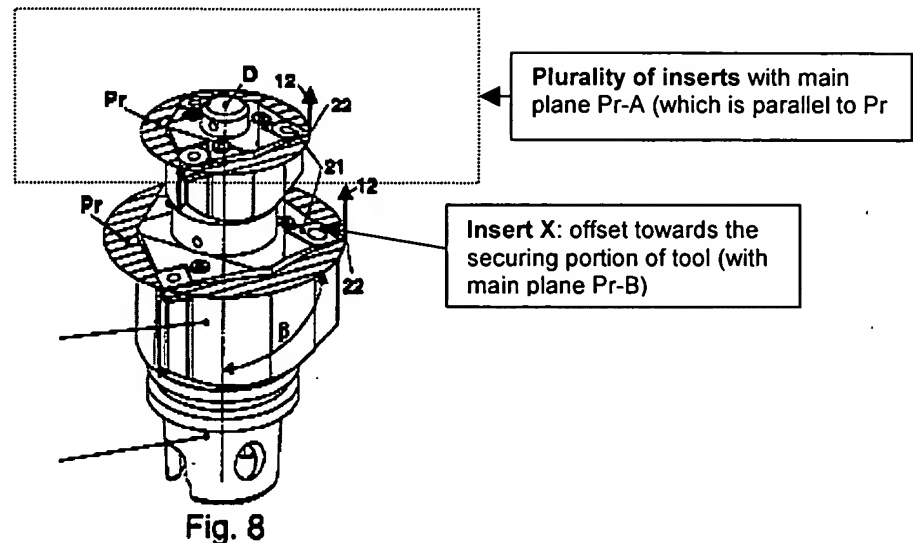
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

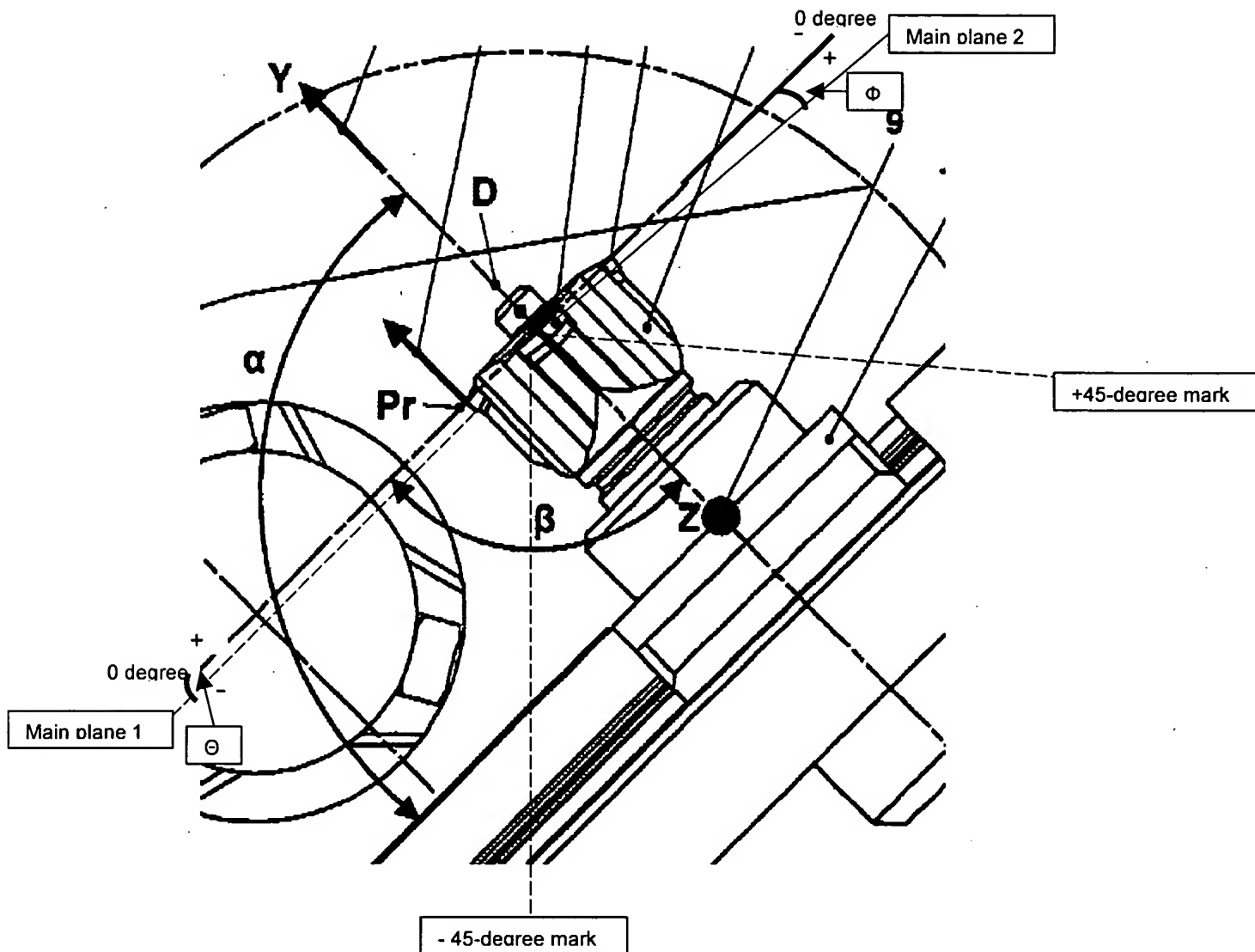
Claims 1-8, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Maier (U.S. Patent No. 6,715,386).

Maier teaches an indexible machining apparatus (based on embodiment of figure 8) having a tool body including a tool head (holder) (19) that projects from a receptacle of tool slide (securing portion) (13). Maier also teaches replaceable cutting inserts (21) secured within pockets of the tool head (19), and a tool head (19) having rotary axis (indexing axis) (D), which helps bring one of the inserts into an operative cutting position. Furthermore, Maier teaches plurality of cutting inserts (see diagram below) arranged in such a way that the inserts have a main plane [plane that coincides with bottom surface of the inserts and is parallel to the plane (Pr)] (note, Pr is the plane of the cutting corner (22) of the inserts) that is oriented laterally relative to a center axis (D) of the holder. The Examiner identifies this plane (not shown in diagrams) as Pr-A. Maier teaches one insert (indicated as "insert X" below) that is offset from the plurality of inserts along the holder's center axis (D) in a direction toward the receptacle (securing portion) of the tool. The radial spacing of Insert X from the holder's center axis is different from the plurality of inserts. Additionally, "insert X", will have its main plane (Examiner is calling it Pr-B) oriented laterally relative to the holder's center axis. Pr- A and Pr-B of the inserts are configured differently from one another.



Maier teaches "main plane 1" of the at least one insert forming an acute angle (Θ) with a perpendicular reference plane oriented perpendicularly to the holder's center axis (D) (see diagram below). Angle (Θ) falls in the range $-45^\circ \leq \Theta \leq 45^\circ$.

Furthermore, "main plane 2" of the another insert forms an acute angle (Φ) with a perpendicular reference plane oriented perpendicularly to the holder's center axis (D). Angle (Φ) falls in the range $-45^\circ \leq \Phi \leq 45^\circ$.



Regarding claim 12, Maier teaches a tool that is indexable relative to the holder (by rotating around axis D) to bring different indexable (i.e. inserts that are indexable relative to each other) inserts into use (Col. 3, lines 2-4). Regarding claim 13, as mentioned above, Maier teaches a tool slide (13), which is the securing portion of the tool head (tool holder). Figure 8, shows one of the variant tool heads for carrying out the

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method according to Maier's invention (as shown in figure 6). Consequently, Maier teaches in figure 6, an indexible turning tool where the holder's center axis (D) is arranged eccentrically with respect to a center longitudinal axis (Y) of the securing portion. Regarding claim 14, Maier teaches in Figure 4, axis D coinciding with the longitudinal center axis (Y) of the securing portion.

Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Maier (U.S. Patent No. 6,715,386).

Maier teaches an indexible machining apparatus (based on embodiment of figure 7) with a tool body having a tool head (holder) (19), securing portion (13), three replaceable cutting inserts (21) spaced circumferentially about the holder's center axis (D), one insert having a main plane oriented laterally relative to the center axis of the tool holder. Furthermore, Maier teaches in figure 7, main plane of at least one of the insert oriented substantially parallel to the holder's center axis (D).

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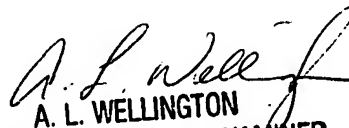
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
(571)272-6082


A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700